

ENTERED

July 19, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JERMAIN CARDEL MATTHEWS,

Petitioner,

V.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 2:22-CV-00284

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Julie K. Hampton's Memorandum and Recommendation ("M&R"), entered on June 20, 2023. (D.E. 16). The M&R recommends that the Court grant Respondent Bobby Lumpkin's motion to dismiss, (D.E. 12), and deny Petitioner Jermain Matthews's 28 U.S.C. § 2254 petition, (D.E. 1). (D.E. 16, p. 17). The M&R further recommends that the Court deny a certificate of appealability. *Id.*

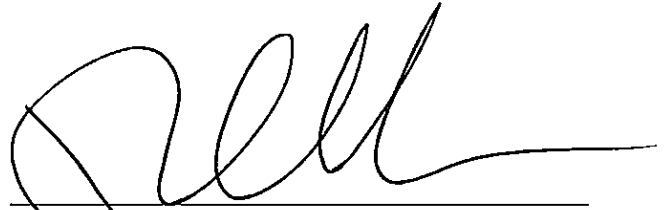
The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 16). Accordingly, the Court **ORDERS** the following:

- The Court **GRANTS** Respondent's motion to dismiss. (D.E. 12).
- The Court **DENIES** Petitioner's § 2254 petition. (D.E. 1).
- The Court **DENIES** a Certificate of Appealability.

A final judgment will be entered separately.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas
July 18th, 2023